

Ronald L. Richman (SBN 139189)
BULLIVANT HOUSER BAILEY PC
101 Montgomery Street, Suite 2600
San Francisco, CA 94104-4146
Telephone: 415.352.2700
Facsimile: 415.352.2701
E-mail: ron.richman@bullivant.com

Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

BOARD OF TRUSTEES OF THE CEMENT
MASONS HEALTH AND WELFARE TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS VACATION-HOLIDAY TRUST
FUND FOR NORTHERN CALIFORNIA;
BOARD OF TRUSTEES OF THE CEMENT
MASONS PENSION TRUST FUND FOR
NORTHERN CALIFORNIA; and BOARD OF
TRUSTEES OF THE CEMENT MASONS
TRAINING TRUST FUND FOR NORTHERN
CALIFORNIA,

Plaintiffs,

vs.

SETON PACIFIC CONSTRUCTION, a
California corporation,

Defendant.

Case No.: 4:23-cv-2363-DMR

**STIPULATION TO CONTINUE
MEDIATION DEADLINE AND PRE-
TRIAL AND TRIAL DATES; ORDER
THEREON**

STIPULATION

IT IS HEREBY STIPULATED by and between Plaintiffs and Defendant, through their respective counsel, as to the following. The parties continue, in good faith, to exchange information and documentation in an effort to either resolve the pending lawsuit or narrow the issues for further discovery and trial. The parties have been diligent in working together but need additional time to voluntarily exchange further information and documentation. Discovery, both informal and formal, has been more difficult because Seton Pacific Construction previously banked with Bank of the West. On approximately February 1, 2023, BMO Bank acquired Bank of the West. Obtaining documentation from BMO Bank has proved to be time-consuming and cumbersome. Seton Pacific Construction has been unable to access account information, directly, from its prior bank, Bank of the West. Further, plaintiffs Cement Masons Trust Funds moved to a new Third Party Administrator (“TPA”) in 2023 and this has caused additional delays in obtaining information and documentation, although the prior TPA has been fully cooperative. In addition, the parties continue to use their best efforts to obtain information and documentation from other third parties.

Despite the difficulties, the parties, through counsel, continue to make progress in narrowing down the issues. Through the Court’s ADR program, the parties have had a series of calls and communications with Sanford Kingsley, who was initially appointed by the Court’s ADR program as the ENE Evaluator. By agreement of the parties and approval of this Court, the parties are now proceeding with mediation before Sanford Kingsley. The parties engaged in a mediation session on September 25, 2024. A further mediation session is scheduled for November 6, 2024.

Pursuant to this Court’s Case Management and Pretrial Order for Jury Trial [Dkt. 22], trial is set for May 12, 2025. The pre-trial cut-off dates are as follows:

- All non-expert discovery – 12/17/2024
- Expert disclosure and reports - 12/17/2024
- Rebuttal expert disclosure and reports – 12/31/2024
- All discovery from experts to be completed – 1/14/2025

- Last day for dispositive motions – 2/13/2025
- ADR Completion – 9/30/24¹
- Pre-trial conference – 4/30/2025
- Pre-trial meet and confer – 4/1/2025
- Serve and file joint pre-trial statement - 4/11/2025
- Objections to exhibits, deposition excerpts or other discovery – 4/21/2025

The parties, upon approval by this Court, have tentatively set a further mediation for November 6, 2024.

The parties are commencing with both formal discovery and continued informal discovery, to either resolve the pending lawsuit or narrow the issues for further discovery and trial. The parties have been diligent in working together but need additional time to voluntarily exchange further information and documentation.

The parties respectfully request that this Court continue the ADR completion deadline to January 31, 2025. The parties believe that with additional time, the case can be either settled or the issues further narrowed, reducing the time and expense involved in trial, and therefore request that all pre-trial and trial dates be continued for four (4) months:

- ADR Completion – 01/31/25
- All non-expert discovery – 04/18/2025
- Expert disclosure and reports - 04/18/2025
- Rebuttal expert disclosure and reports – 04/30/2024
- All discovery from experts to be completed – 05/16/2025
- Last day for dispositive motions – 06/12/2025
- Pre-trial meet and confer – 08/1/2025
- Serve and file joint pre-trial statement - 08/15/2025
- Objections to exhibits, deposition excerpts or other discovery – 8/22/2025

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¹ The ADR Completion Date was continued to 9/30/2024 via Court Order [Dkt. 27]


- Pre-trial conference – 08/27/2025
- Trial – 09/08/2025²


DATED: October 3, 2024

DATED: October 3, 2024

BULLIVANT HOUSER BAILEY PC

THE MAZZOLA LAW OFFICE - PC

By 
RONALD L. RICHMAN
Attorneys for Plaintiffs

By 
SIMON A. MAZZOLA
Attorney for Defendant

² Counsel for plaintiffs has a pre-paid European vacation scheduled for 3 weeks in July 2025.

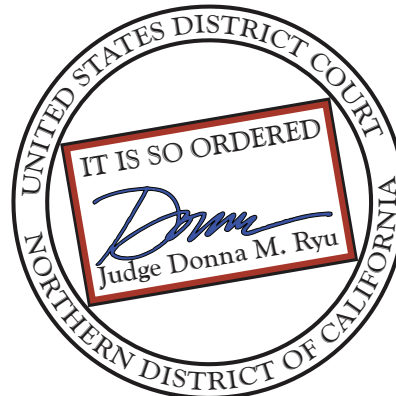
ORDER

Based on the parties' stipulation and good cause appearing,

IT IS HEREBY ORDERED that the following pre-trial and trial dates are continued as follows:

- ADR Completion – 01/31/25
- All non-expert discovery – 04/18/2025
- Expert disclosure and reports - 04/18/2025
- Rebuttal expert disclosure and reports – 04/30/2024
- All discovery from experts to be completed – 05/16/2025
- Last day to hear dispositive motions – 06/12/2025
- Pre-trial meet and confer – 08/1/2025
- Serve and file joint pre-trial statement - 08/15/2025
- Objections to exhibits, deposition excerpts or other discovery – 8/22/2025
- Pre-trial conference – 08/27/2025
- Trial – 09/08/2025³

DATED: October 8, 2024



HON. DONNA M. RYU
CHIEF MAGISTRATE JUDGE

³ Counsel for plaintiffs has a pre-paid European vacation scheduled for 3 weeks in July 2025.